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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

KATHERINE ROBLES, an individual;
and H.R., by and through his guardian ad
litem Katherine Robles,

Plaintiffs,

v.

CITY OF ROSEVILLE, a Municipal
Corporation; OFFICER DEAN RIANO,
in his official and personal capacity;
OFFICER SETH ADDINGTON, in his
official and personal capacity;
SERGEANT CHRISTOPHER
CIAMPA, in his official and personal
capacity; and DOES 1-20, inclusive,
individually, jointly, and severally,

Defendants.

Case No. 2:22-cv-00085-DC-SCR
District Judge: Hon. Dena Coggins
Magistrate Judge: Hon. Sean C.
Riordan

**STIPULATION REGARDING
FRCP 35 EXAMINATIONS OF
PLAINTIFF KATHERINE
ROBLES**

IT IS HEREBY STIPULATED by and between Defendants, City of
Roseville, Officer Dean Riano, Officer Seth Addington, and Sergeant Christopher
Ciampa, and Plaintiffs, Katherine Robles and H.R., by and through their respective
attorneys of record as follows:

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- 1 1. THAT counsel for the parties have met and conferred concerning
2 Defendants' intent to pursue two medical examinations regarding the
3 physical and mental health of Plaintiff Katherine Robles (hereinafter
4 "Plaintiff") pursuant to the Federal Rules of Civil Procedure, Rule 35;
- 5 2. THAT following the meet and confer efforts by and among counsel,
6 Plaintiff has consented, subject to the conditions detailed in herein, to
7 undergo the following examinations:
 - 8 a. A physical examination, to occur on October 24, 2024, at 8:00 a.m.
9 at 1650 Lead Hill Blvd., Suite 600, Roseville, California 95661;
10 and
 - 11 b. A mental examination, to occur on October 25, 2024, at 9:00 a.m.
12 at the offices of 601 University Ave., Suite #135, Sacramento,
13 California, 95825;
- 14 3. THAT the conditions governing the physical examination of Plaintiff, to
15 occur on October 24, 2024, at 8:00 a.m., shall be as follows:
 - 16 a. The physical examination will be performed by Dr. Steve
17 McIntire, MD, Ph.D;
 - 18 b. The physical examination shall be limited to evaluating Plaintiff's
19 head and/or brain injuries and other physical symptoms and/or
20 injuries Plaintiff alleges she sustained during and as a result of the
21 subject incident. Aspects of Plaintiff's physical and medical
22 condition unrelated to these injuries and symptoms are not proper
23 subjects of the examination.
 - 24 c. The examiner may ask questions about the method of injury during
25 the subject incident and Plaintiff's claimed physical injuries
26 stemming therefrom, but otherwise no questions will be asked of
27 Plaintiff regarding the facts and/or circumstances of the subject
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1 incident or the leadup thereto. The examiner may not ask questions
2 about subjects other than to Plaintiff's neurological condition,
3 except that to the extent that Plaintiff experienced a prior or
4 subsequent injury in the same area of her body as she is claiming
5 was harmed from the subject incident, the examiner may explore
6 the nature and extent of those injuries. The examiner may not ask
7 questions regarding specific instances of domestic violence of
8 which Plaintiff has been a victim that are unrelated to her claimed
9 injuries or did not result in similar symptoms and injuries as those
10 claimed in the present lawsuit;

11 d. Plaintiff will not be required or requested to answer any written
12 questions or sign any document other than a document confirming
13 Plaintiff's identity;

14 e. Plaintiff may have one observer present (attorney or agent), who
15 may attend in person or by telephone. The observer, if an attorney,
16 may make appropriate objections but will not interfere with the
17 examination and will otherwise remain silent during the
18 examination;

19 f. The examination will be audio-recorded. Dr. McIntire will also
20 audio record the examination;

21 g. The duration of the examination will be reasonably limited to 2.5
22 hours, excluding any objections by Plaintiff's observer or alleged
23 interference with the exam by Plaintiff or the observer;

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1 h. Inquiries and responses thereto during the examination are deemed
2 “confidential” protected material subject to the terms of the
3 applicable protective order issued in this case;

4 i. Defendants and/or Dr. McIntyre will provide Plaintiff’s counsel a
5 copy of Dr. McIntyre’s written report no later than November 14,
6 2024 (ECF 39);

7 4. THAT the conditions governing the mental examination of Plaintiff, to
8 occur on October 25, 2024, at 9:00 a.m., shall be as follows:

9 a. The mental examination shall be performed by Dr. Elliot
10 Henderson, Ph.D;

11 b. The clinical interview portion of the examination will be limited
12 insofar as it addresses traumas (physical, mental, and emotional)
13 prior to subject incident due to past domestic violence, and no
14 specific instances of domestic violence will be addressed in the
15 questioning;

16 c. Plaintiff will not be required/requested to answer any written
17 questions or sign any document other than a document confirming
18 Plaintiff’s identity;

19 d. Plaintiff may have an observer present (attorney or agent) during
20 the clinical interview portion of the examination, in person or via
21 videoconference. The observer, if an attorney, may make
22 appropriate objections but will not interfere with the examination
23 and will otherwise remain silent during the examination;

24 e. The clinical interview portion of the examination will be audio-
25 recorded. Both the examiner, Dr. Henderson, and the Plaintiff
26 and/or her attorney/agent, shall have the right to audio record the
27 examination. Within 20 days of the examination, Defendants’
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1 and/or Dr. Henderson's audio recording of the clinical interview
2 portion of the examination will be released to Plaintiff's counsel
3 and retained expert, and Defendants' and/or Dr. Henderson's audio
4 recording of the testing and battery portion of the examination will
5 be released to Plaintiff's retained expert;

6 f. The duration of the examination will be limited to six hours total,
7 inclusive of a clinical interview and testing and battery;

8 g. Inquiries and responses thereto during the clinical interview
9 portion of the examination are deemed "confidential" protected
10 material subject to the terms of the applicable protective order
11 issued in this case;

12 h. Defendants and/or Dr. Henderson will provide Plaintiff's counsel a
13 copy of any written notes taken by Dr. Henderson, as well as Dr.
14 Henderson's written report, no later than November 14, 2024 (ECF
15 39);

16 i. Defendants and/or Dr. Henderson will provide Plaintiff's retained
17 expert with the raw testing data from all tests conducted during the
18 examination within 20 days of the examination.

19 5. THAT any and all reports prepared by the examining doctors in
20 connection with the examinations described herein will be produced
21 pursuant to the applicable provisions of Federal Rules of Civil Procedure,
22 Rule 35(b), in addition to applicable provisions of this stipulation.
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1 IT IS SO STIPULATED.
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3 Dated: October 23, 2024

LAW OFFICES OF DALE K. GALIPO

5 /s/ Dale K. Galipo

6 Dale K. Galipo
7 Benjamin S. Levine
8 *Attorneys for Plaintiffs*

9 Dated: October 23, 2024

PORTER SCOTT

10 A PROFESSIONAL CORPORATION

11 /s/ William E. Camy

12 William E. Camy
13 Megan N. Boelter
14 *Attorneys for Defendants*
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